

REMARKS

Claim 31 has been amended without prejudice or disclaimer to incorporate aspects originally found in claim 42. Applicants retain the right to reinstate original claims 31 and 42 in the current application or to pursue these claims in another application.

The Examiner states that pending claims lack unity of invention. The Examiner takes this position arguing that the technical feature linking the claims is that they relate to a pharmaceutical preparation containing vWF propeptide. Because such preparations are said not to be patentably distinguishable from non-pharmaceutical compositions discussed in the cited references, the technical feature is said not to constitute the special technical feature needed to link the claims. For the reasons that follow, Applicants respectfully disagree.

Claim 31 as amended is drawn to a preparation clearly not described in the cited art in that the preparation has been treated for at least one of virus inactivation and virus removal. Neither of the cited references discuss such a composition.

Additionally, there is no motivation in the cited art to make preparations such as those that are currently claimed nor to perform the currently claimed methods utilizing the pharmaceutical preparations described in the pending method claims because any discussion of a pharmaceutical utility for vWF propeptide in the cited art was speculative at best (see, e.g., Takagi, et al., (1989) JBC 264:6017, second column, last sentence before "Experimental Procedures" section, and the concluding sentence of the article on page 6019). Moreover, there is no discussion whatsoever in the cited art that pharmaceutical preparations including vWF propeptide could be used in treating blood coagulation disorders (such as referred to in claims 31, 56 and 57 and their respective dependent claims) or in addressing other issues relating to blood treatments (see, e.g., claims 59 and 60 and their respective dependent claims).

Finally, the cited references provide no expectation that the pharmaceutical preparations or methods as presently claimed could successfully be used as a pharmaceutical, especially for the purposes specified in the current claims.

Thus, in view of the foregoing reasons which establish novelty and lack of obviousness in view of the cited art, all of the presently pending claims satisfy the unity of invention requirement, and Applicants respectfully request that the restriction requirement be withdrawn and that all the claims be examined together.

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claim 42 has been canceled without prejudice or disclaimer.

Claim 31 has been amended as follows:

31. (Once amended) A pharmaceutical preparation for treating blood coagulation disorders, said preparation comprising an effective amount of vWF propeptide and having been treated for at least one of virus inactivation and virus removal.